



## Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

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<b>Case:</b>	TA2015005 – Subdivision Assurance
<b>Meeting Date:</b>	March 24, 2016
<b>Agenda Item:</b>	2
<b>Supervisor Districts:</b>	All
<b>Applicant:</b>	Commission-initiated
<b>Request:</b>	A text amendment to the Maricopa County Subdivision Regulations (MCSR) and the Maricopa County Subdivision Regulations Administrative Guideline (MCSRAG) regarding subdivision Assurance
<b>Support/Opposition:</b>	One email of support dated February 14, 2016 from New River-Desert Hills Community Association.
<b>Recommendation:</b>	<b>Approve</b>

### Discussion:

This text amendment to the MCSR and MCSRAG will allow any form of assurance acceptable to the Planning Director within statutory parameters. Currently, assurance of subdivision infrastructure improvements is provided only in the form of a bond. TA2015005 will lessen regulatory burden by maximizing flexibility with form of a subdivision assurance in favor of the regulated community. Proposed verbatim language is (added language underscored, deleted language struck-through, changes since ZIPPOR are highlighted):

### **Maricopa County Subdivision Regulations**

#### **Section 203. Final Plat**

- 2. INFORMATION REQUIRED FOR FINAL PLAT SUBMITTAL:** A final plat shall contain the following information areas (detailed information required shall be as specified in the administrative guidelines):
- i. Assurance Statements ~~regarding the following (specific format of Assurance Statements shall be as specified in the administrative guidelines):~~
    - ~~1) Pavement, and improvement of roads.~~
    - ~~2) Utilities.~~
    - ~~3) 100-Year assured water supply.~~
    - 1) Format of Assurance Statements shall be as specified in the administrative guidelines.
    - 2) Assurance requirements:
      - A. In order to ensure the proper installation of all required improvements by the subdivider, assurances are required for street, sewer, drainage, flood control and other improvements meeting established minimum standards

of design and construction. Assurances may be required for sewer, electric and water utilities, or related support facilities, at the county's discretion. In order to mitigate adverse impacts from construction, at the county's discretion, assurance shall be required for restoration/remediation of disturbance, and/or any other item of concern. There shall be a demonstration of adequate water supply, A 100 Year Assured Water Supply must be provided for all subdivision lots within an Active Management Area.

- B. An assurance shall be provided prior to Board approval of any plat.
- C. Should the assurance be in the form of an agreement, such agreement shall be recorded.
- D. Maricopa County shall be named as beneficiary of the assurance.
- E. Types of assurances: Maricopa County, at its discretion, may accept any, or a combination, of the following assurances in a form and substance approved by the County attorney and acceptable to the Board:
  - a. Cash or certified check
  - b. Surety (performance) bonds executed by a company authorized and licensed to do business in the State of Arizona, ensuring the performance of the principal (developer or owner) as required by this section.
  - c. Certificate of deposit, United States Treasury bills, or any security guaranteed by the United States government. State of Arizona, or any political subdivision thereof;
  - d. A deposit of money or negotiable bonds, of the kind approved for securing deposits of public monies, with a responsible escrow agent or trust company authorized and licensed to do business in the State of Arizona;
  - e. An irrevocable letter of credit in favor of Maricopa County from a third-party financial institution authorized and licensed to do business in the State of Arizona;
  - f. Third party trust agreement as long as it meets all the requirements listed below:
    - i. The placement of the title to the subdivision in trust with a third-party escrow agency or trust company authorized and licensed to do business in the State of Arizona along with an agreement between the trustee and Maricopa County that title to any lot or parcel within the subdivision shall not be transferred until all improvements required by these regulations have been installed, accepted by Maricopa County, and written approval for release has been granted by Maricopa County to the escrow agency or trust company holding the property in trust.
    - ii. The agreement shall contain a condition authorizing Maricopa County to abandon the subdivision and re-subdivide the property should the required improvements fail to be installed in compliance with Maricopa County's standard specifications.
    - iii. A maximum of three pPartial lot releases may be allowed for each recorded final plat. Each release must be for a minimum of 25 percent of the total number of lots in the

- subdivision. The Board, or its designee, shall not authorize any release until the required improvements, as determined by Maricopa County, have been completed.
- iv. After final plat approval, building permits for up to eight model homes may be issued prior to completion of all required improvements for each release. These homes shall not be sold to individual property owners or occupied for residential use until they are in compliance with all County codes and released for sale by the County. Additional model home building permits for subsequent releases shall not be issued for subsequent releases until improvements are completed in the previous release unless specifically approved by the Director of the Planning and Development Department.
- v. The subdivider shall record the approved third party trust agreement before plat approval and note the recording information on the face of the final plat.
- vi. A third party trust agreement may be substituted for an existing assurance where no lots have been sold in the subdivision.
- F. Board of Supervisors' approval: The approval of the Board of Supervisors shall be endorsed in writing on the plat and shall include specific identification of an approval of the assurances required by these regulations.
- G. Substitute assurances and time extensions.
  - a. Requests for substitute assurances or assurance agreement time extensions shall be submitted in writing to the subdivision coordinator for review by the Director of the Planning and Development Department and the County Engineer, or as delegated by the Board of Supervisors.
  - b. These departments shall provide written recommendations to the subdivision coordinator who shall forward the recommendations to the Board of Supervisors for final decision.
- H. Release of assurances.
  - a. Requests to release subdivision assurances shall be submitted in writing to the subdivision coordinator for review by the Planning and Development Department and the Department of Transportation, or as delegated by the Board of Supervisors.
  - b. These departments shall provide written recommendations to the subdivision coordinator, who shall forward them to the Director of the Planning and Development Department and the County Engineer, or as delegated by the Board of Supervisors.

## **Maricopa County Subdivision Regulations Administrative Guidelines**

### **3. FINAL PLAT**

#### **4. Specific Final Plat Submittal Requirements (as required on agency by agency basis). A Final Plat shall contain the following information:**

- b. County Engineer (Department of Transportation) Engineering:
  - 6) Assurance Statement as follows: "Assurance, for provision of required subdivision improvements and infrastructure, sufficient to protect

Maricopa County and in accordance with the requirements of A.R.S. § 11-821 and A.R.S. § 11-822 and the Zoning Ordinance for the Unincorporated Area of Maricopa County has been provided in a form acceptable to the Director of the Maricopa County Planning and Development Department, in consultation with the County Engineer." Or, a statement that all improvements associated with the subdivision are existing and approved.

a) ~~For new subdivisions: "Satisfactory assurance in the form of \_\_\_\_\_ from \_\_\_\_\_ in the amount of \$\_\_\_\_\_ has been provided to guarantee pavement, drainage, water and sewer services in this subdivision. Electric service has been assured by \_\_\_\_\_."~~

~~\_\_\_\_\_ For County Engineer \_\_\_\_\_ Date \_\_\_\_\_~~

b) ~~For existing developments: "Paving, drainage, water, sewer and electric services in this subdivision are existing and approved."~~

~~\_\_\_\_\_ For County Engineer \_\_\_\_\_ Date \_\_\_\_\_~~

c) ~~For subdivisions that have been approved for an alternative form of assurance: "Satisfactory assurances to guarantee pavement, drainage, water and sewer services in this subdivision is provided by withholding final utility clearance, thus withholding occupancy to any dwelling until completion of off-site improvement. Electric service has been assured by \_\_\_\_\_."~~

~~\_\_\_\_\_ Director, Planning and Development Department \_\_\_\_\_ Date \_\_\_\_\_~~

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on January 22, 2016. The Commission initiated this text amendment on February 18, 2016. Staff has received one email of support via EROP:

From: [behomes@q.com](mailto:behomes@q.com)[SMTP:BEHOMES@Q.COM]

Sent: Sunday, February 14, 2016 2:38:07 PM

To: Regulatory

Subject: Regulatory Outreach

Auto forwarded by a Rule

Citizen Comments

Issue: TA2015005 Subdivision Assurance

Citizen's Name: Ann Hutchinson

Organization: New River-Desert Hills Community Association

City: New River

Zip: 85087

Phone Number: 6237426514

Phone Type:

Email: [behomes@q.com](mailto:behomes@q.com)

Does citizen want to be contacted:

\_\_\_\_\_

Comment is regarding: express support

\_\_\_\_\_

Comments:

The NR/DHCA board continues to support this TA; it has no objections to the changes made since it was initiated.

Time of Request: 2/14/2016 2:38:07 PM

This item is tentatively scheduled for the April 20, 2016 public hearing before the Maricopa County Board of Supervisors (BOS). The amendments will take effect 30 days after BOS approval.

**Recommendation:**

Staff recommends the Commission recommend **approval of TA2015005, as presented, to the BOS.**

Prepared by: Carol Hu, Planner and Derek Scheerer, Planner  
Reviewed by: Matthew Holm, AICP, Planning Supervisor and Darren V. Gerard, AICP, Deputy Director  
Attachment: 2/18/16 ZIPPOR Report (6 pages)